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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,333	08/22/2003	James H. Brauker	DEXCOM.011A	8284

20995 7590 02/22/2005

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EXAMINER

KREMER, MATTHEW J

ART UNIT	PAPER NUMBER
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3736

DATE MAILED: 02/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/646,333

EXAMINER

Kremer

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02182005

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Commissioner for Patents

The amendment filed on 1/3/2005 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because the originally elected claims were drawn to a sensor that comprises a sensing region located on a curved portion of the sensor body and the newly presented claims do not require this limitation. For example, claim 1 claims a sensor that comprises a sensing region located on a curved portion of the body such that when a foreign body capsule forms around the sensor, a contractile force is exerted by the foreign body capsule toward the sensing region. Claim 70 claims a sensor comprising a sensing region on a major surface that comprises a continuous curvature substantially across the entire surface such that when a foreign body capsule forms around the sensor, a contractile force is exerted by the foreign body capsule toward the sensing region. Claim 71 claims a sensor comprising a sensing region located on a curved portion of a first surface of said body. Claim 72 claims a sensor with a sensor region located on a surface that is sufficiently convex that when a foreign body capsule forms around the sensor, contractile forces are exerted thereby generally uniformly towards the sensing region. Claim 73 claims a sensor comprising a sensing region located on a curved portion of the body. Claim 74 claims a sensor comprising a sensing means located on a curved portion of a housing means such that when a foreign body capsule forms around the housing means, a contractile force is exerted by the foreign body capsule toward the sensing means. Claim 75 claims a sensor comprising a transport region located on a curved portion of the body such that when a foreign body capsule forms around the device, a contractile force is exerted by the foreign body capsule toward the analyte transport region. Claim 76 claims a sensor comprising a transport region is located on a curved portion of the body such that when a foreign body capsule forms around the device, a contractile force is exerted by the foreign body capsule toward the analyte transport region.

The newly presented claims do not require a sensing or transport region on a curved portion of the sensor body but are more particularly claiming the sensing mechanism, which was not presented in the originally elected claims. The particulars of the originally elected claims are not required for the newly presented claims and the particulars of the newly elected claims were not claimed in the originally elected claims. As a result, the Applicant added new claims that were not drawn to the originally elected invention.

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J Kremer whose telephone number is 571-272-4727. The examiner can normally be reached on Mon. through Fri. between 8:30 a.m. - 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on 571-272-4726. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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PRIMARY EXAMINER